

A Resolution

03- *R* -1719

By: Finance/Executive Committee:

**A RESOLUTION URGING THE 2004 GEORGIA
GENERAL ASSEMBLY TO SUPPORT THE CITY OF
ATLANTA'S 2004 LEGISLATIVE PACKAGE.**

WHEREAS, the City of Atlanta has prepared its Legislative Package for presentation to the 2004 General Assembly; and

WHEREAS, the 2004 Legislative Package contains legislation that will impact the City of Atlanta, and in some cases, the State of Georgia, particularly in the areas of Economic Development, Municipal Governmental Reform, Revenue Enhancement, Sewer & Wastewater Improvement, and Transportation.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF ATLANTA, GEORGIA, that the 2004 Georgia General Assembly is urged to support the City of Atlanta's 2004 Legislative Package, which includes the proposals shown on Exhibit A attached hereto and incorporated herein by reference.

City of Atlanta



2004 Legislative Package

City of Atlanta 2004 Legislative Package

Economic Development

- A. Amend Business Expansion Support Act to allow the Job Credit Provision to include undeveloped eligible census tracts in urban areas.**

Municipal Government

- A. Amend State law to remove municipal class-action liability for tax refunds.**
- B. Amend State law to allow local governments to prohibit landlords from placing evicted tenants' possessions in the right-of-way and require notice of intent to evict.**
- C. Amend State law to allow local governments to implement noise control standards more restrictive than provided for by State law.**
- D. Amend State law to require licensure/regulation of general/residential contractors.**
- E. Amend State law to increase percentage of impact fees that may be used for administrative costs.**
- F. Repeal State law creating City of Atlanta Traffic Court.**
- G. Amend State law to allow local governments to offer rewards for information leading to the successful prosecution of certain crimes.**
- H. Create regional authority for issues relating to homelessness.**

Revenue/Fiscal

- A. Amend State law to allow local governments to increase Alcohol License Fees.**
- B. Amend State law to allow local governments to increase fines for non-compliance with licensing regulations.**
- C. Amend State law to allow the Municipal and Traffic Courts to require convicted non-indigent offenders to pay a fee to reimburse the City for the costs of booking and processing those offenders.**
- D. Amend State law to exempt municipal capital improvements from the state sales tax.**
- E. Amend State law/Constitution to permit local governments to issue short-term commercial paper to finance capital improvement projects.**
- F. Amend State law to permit a Municipal Option Sales Tax.**

Sewer/Wastewater

- A.** Amend OneGeorgia Act to allow use of tobacco funds on urban water projects.
- B.** Support earmarking of stipulated penalties paid to the State of Georgia for spills and other Consent Decrees violations to fund supplemental environmental projects in the City of Atlanta.
- C.** Amend State law to expand authority of local governments to place water/sewer liens on real property to collect water/sewer charges.
- D.** Amend State law to require certification of private lateral integrity prior to transfer of real estate.

ONEGEORGIA EXPANSION

Department: Planning

Summary – This proposal seeks to have the job tax credit which is offered to businesses in the 40 least developed counties extended to businesses in similarly underdeveloped census tracts, regardless of the overall economic vitality of the county in which they are located. Eligible urban census tracts have difficulties attracting businesses, and these tax credits would improve their chances for revitalization. This change would remedy an apparently inadvertent oversight in the 1998 Amendment, which in effect cancelled the credits previously available to impoverished urban census tracts under the 1995 Georgia Business Expansion Support Act. Restoration of the eligibility of these urban census tracts would have the following benefits:

- Provide jobs in disadvantaged communities.
- Increase economic development within urban areas and the State in general.
- Utilize existing infrastructure within urban areas reducing taxpayer costs associated with building new infrastructure.
- Increase density of development thereby reducing sprawl and its associated environmental and quality of life costs, including loss of greenspace, traffic congestion, and air pollution.
- Provide incentives for brownfield development and cleanup.

Requested Change – This proposal seeks an amendment to the 1998 Amendment to the 1995 Georgia Business Expansion Support Act to include tax credits for retail businesses within underdeveloped census tracts which have been deemed eligible for incentives provided in said act. These tax credits would be given to retail businesses that create jobs that pay at least 50% more than the minimum wage.

Expenses/Fiscal Estimate – The revenue gain to the City if this proposal is enacted would be indirect, occurring through redevelopment of unused properties and increased economic activity. Atlanta Development Authority has been working on several projects that would be eligible for credits, including the Historic Westside Village and Centennial Place.

CLASS ACTION CLAIM REFORM

Department: Law Department

Summary – This proposal would protect local governments from class action certification of administrative tax/fee refund claims.

Requested Change – Current state law prohibits such certification for claims against the state, but not against local governments. This change would mirror the reform passed by the General Assembly last year in changing OCGA 48-2-35, which gave the state the above immunity.

Expenses/Fiscal Estimate – The City of Atlanta is potentially liable for substantial adverse judgements resulting from these claims. While the validity of that liability is in dispute, this change would clarify and eliminate that risk.

AIRPORT INTERSTATE IMPROVEMENTS

Department: Aviation

Summary – This proposal would recognize the need for federal and state transportation funding for improvements and construction of the existing and proposed interchanges from I-75 and the Atlanta Airport.

Requested Change – GDOT and other relevant agencies should be instructed to plan for necessary work at the airport to accommodate the increased passenger load from the expansion. The proposed project will provide enhancements needed to the interchange at Interstate 75 and Aviation Boulevard. It is critical to the future growth of the airport and the surrounding communities. The proposed enhancements would provide improved access from the I-75 Interchange to Hartsfield's new International Terminal facility located on the east side of the Airport, but more importantly, would address existing congestion/ capacity problems and the projected deteriorating Levels of Service along the Aviation Boulevard corridor. This interchange currently provides access to employees of Ford Motor Company (2,000 employees), Delta Air Lines (approx. 25,000 employees), the East Mountain View redevelopment areas, as well as other airport related businesses. The subject interchange and associated intersections are currently functioning at poor levels of service during peak periods and are expected to further deteriorate as growth continues. While Hartsfield will implement minor improvements to Aviation Boulevard that will relieve some congestion for the short-term, a long-term delay reduction and safety solution is very much needed. If this project is delayed or overlooked, the interchange and associated intersections will experience poor levels of service for numerous periods of the day, exceeding today's work related peaks. Local mobility and system performance, particularly for cargo trucks, some of which likely serve just-in-time manufacturers, will be impaired. This project would also improve accessibility to the multi-modal facility (Southern Crescent Facility, or SCF) proposed for the Old Dixie Highway/Aviation Boulevard/Conley Road area. The enhancements that may be necessary include a redesigned interchange, grade separations, and signalization coordination.

Expenses/Fiscal Estimate – The preliminary cost is estimated at \$144 million.

EVICTIION PROCEDURES

Department: City Council/Public Works

Summary – This proposal would give local governments the authority to prohibit landlords from placing the possessions of evictees in the right-of-way. It would also require landlords to notify local governments 24 hours prior to a planned eviction.

Requested Change – Current state law requires landlords to put the property of evictees into the right-of-way. This proposal would remove this requirement, and allow local governments to prohibit such activity.

Expenses/Fiscal Estimate – The City of Atlanta incurs substantial expense as a result of the current law requiring landlords to place tenants' possessions on the right-of-way. This proposal would alleviate that expense.

NOISE STANDARDS

Department: City Council

Summary – This proposal seeks authority for local governments to impose more restrictive noise standards than state law creates.

Requested Change – See above.

Expenses/Fiscal Estimate – N/A

CONTRACTOR LICENSING

Department: Planning

Summary – This proposal seeks state regulation/licensure of general/residential contractors, in the same way that plumbers and electricians are required to be licensed now.

Requested Change – See above.

Expenses/Fiscal Estimate – N/A

IMPACT FEE ADMINISTRATION

Department: Planning

Summary – This proposal seeks a revision in state law which would permit local governments to use up to 10 percent of assessed impact fees to offset administrative costs.

Requested Change – Current law (OCGA 36-71-2) permits no more than 3 percent to go to administrative expenses.

Expenses/Fiscal Estimate – N/A

MMPT Funding Anticipation

Department: Planning

Summary – The partnership between the City of Atlanta and the Georgia Department of Transportation for the construction of the downtown Multi-Modal Transit facility will require legislative affirmation as to the next steps toward funding. The total project cost is estimated to be \$200 million. The City has committed significant time and monetary resources to planning for this facility. State legislation anticipating funding from the U.S. DOT is required to move to the next phase.

Requested Change – None.

Expenses/Fiscal Estimate – N/A

COURT CONSOLIDATION

Department: Mayor's Office

Summary – This proposal would facilitate the merger of the City Municipal Court and Traffic Court by repealing the state law that creates the Traffic Court.

Requested Change – See above.

Expenses/Fiscal Estimate – The estimated annual cost savings from merging the courts is \$9 million, once fully implemented.

LOCAL REWARDS

Department: Public Works

Summary – This proposal seeks authority for local governments to offer rewards for information leading to the successful prosecution of certain crimes. Currently, local governments cannot offer rewards unless the Governor has previously done so.

Requested Change – See above.

Expenses/Fiscal Estimate – N/A

HOMELESSNESS AUTHORITY

Department: Mayor's Office

Summary – This proposal would create a multi-jurisdictional authority to coordinate metro Atlanta responses to issues arising from homelessness.

Requested Change – See above.

Expenses/Fiscal Estimate – N/A

LIQUOR LICENSE FEES

Department: Finance

Summary – This proposal intends to increase the annual alcohol license fee charged by the City to \$10,000. The current State law states the annual license fee charged by a municipality or county can be no more than \$5,000 for each license. There are 1,607 accounts. The City would have the flexibility to increase the license fee. In 1971 the State of Georgia approved a maximum cap at \$3,000. In 1980 the cap was increased to \$5,000. The cap has been set at \$5,000 for 22 years and has not kept pace with inflation and the public safety regulatory requirements.

Requested Change – The City is seeking State approval through the passage of legislation in the General Assembly.

The change would increase the cap from \$5,000 to \$10,000.

The State Code section affected is GA. L. 1937-38. Ex. Sess., p. 103, GA. L-1965, p. 451, 1; code 1933, SA-2313, enacted by GA. L 1980, P. 1573 1).

Expenses/Fiscal Estimate – The revenue increase to the City if this proposal is enacted is estimated to be \$3 million, if the City chose to increase the license fee to \$10,000.

LIQUOR LICENSE FINES

Department: License Review Board

Summary – This proposal would increase the ceiling on the fines the License Review Board is permitted to impose for violations. The current level is prescribed by state law, and it is \$1000.

Requested Change – The City seeks authority to increase the maximum fine for violations of the City Code by holders of liquor licenses from \$1000 to \$5000.

Expenses/Fiscal Estimate – The revenue gain to the City if this proposal is uncertain, as not all offenses would be punished at the maximum level.

INCARCERATION FEE

Department: Corrections

Summary – This proposal seeks authority to impose a fee upon non-indigent convicted offenders who were incarcerated in the City Jail, so as to recoup the costs of booking and processing those offenders. The proposal seeks to shift some of the cost for an offender's detention from the taxpayers to the criminal. The collected revenues could then be dedicated to the Inmate Welfare Fund to pay for medical treatment and other programs.

Requested Change – Still waiting for a draft from Corrections. Essentially, it would authorize the City to enact an ordinance implementing this proposal.

Expenses/Fiscal Estimate – The proposed fee would be capped at \$150 per individual, which would then generate up to \$150,000. Existing staff could handle the accounting and collection activities.

SALES TAX EXEMPTION

Department: Watershed Management

Summary – A current Georgia Administrative rate (560-12-2-.87) exempts certain machinery from sales tax pursuant to the filing of an application for exemptions. The intent of this proposal is to expand that exempt to include all materials incorporated in any public project that improves water, wastewater, road and airport infrastructure assets.

Requested Change – The amendment of O.C.G.A 48-8-63 (a) to exempt certain tangible property from sales tax as described above.

Expenses/Fiscal Estimate – The City of Atlanta has major capital projects underway totaling an estimated \$8 billion. Estimating that at least 50% of such amount is construction and that 40% of that amount is tangible property, the City could save in excess of \$100 million in total for tax exempt purchases.

COMMERCIAL PAPER

Department: Watershed Management

Summary – Relax restrictions on utilization of short-term debt by municipalities to finance capital projects. Current law prohibits the issuance of commercial paper by local governments.

Requested Change – This action may require a change in Georgia constitution as commercial paper issuance is prohibited, except for authorities. This change would allow local governments to take advantage of “just in time” financing.

Expenses/Fiscal Estimate – Reduces the cost of financing capital and other projects allows local governments to plan debt events more consistently with cash outlay requirements, thus reducing the overall cost of debt and risks relating to arbitrage violations. Savings on interest payments are estimated to average \$1 million per \$100 million in debt.

Additional Information – A proposal to permit the airport to use commercial paper was in the 2002 Legislative Package.

MUNICIPAL OPTION SALES TAX

Department: City Council/Mayor's Office

Summary – This proposal seeks authority for the City of Atlanta to hold a referendum on an additional cent of sales tax to be levied within the City, all of the revenue of which would go to the City for certain specified projects.

Requested Change – See above.

Expenses/Fiscal Estimate – Estimated revenues from a 1 cent COA-only sales tax vary from \$100-\$120 million annually.

ONEGEORGIA SEWER FUNDING

Department: Watershed Management

Summary – Amend relevant state law to permit OneGeorgia grants/tobacco fund awards to be spent on repairs/upgrades to urban water systems.

Requested Change – See above.

Expenses/Fiscal Estimate – Potentially substantial, depending upon grant availability.

CONSENT DECREE FINE RECYCLING

Department: Watershed Management

Summary – The Consent Decree and First Amended consent Decree provides for payment of stipulated penalties pursuant to noncompliance with terms and conditions of such decrees. The State of Georgia receives 50% of such penalties paid by the City, the balance being paid to the USEPA.

Requested Change – The Georgia Department of Natural Resources, Environmental Protection Division, has the authority to recommend the programming of penalty proceeds for Atlanta sponsored supplemental environmental projects.

Expenses/Fiscal Estimate – Keeps stipulated penalties (currently about \$250k to \$500k per year to EPD) within the City, to provide funding to address lower priority environmental projects.

Additional Information – The City has paid in excess of \$6,000,000 in fines relating to settling consent decree matters.

WATER/SEWER LIENS

Department: Watershed Management

Summary – Propose expanding the authority of the City of Atlanta to place water and sewer liens / judgments on real property and other property in connection with collection of delinquent service accounts- current law restricts liens to property owners with service in property owners name. This allows rent dwellers to incur charges and the owner to escape liability.

Requested Change – This is not a request for an appropriation. This legislation would direct responsibility for the utility service to the property owner and this provides greater capacity for collection.

Expenses/Fiscal Estimate – Provides enhancement to City's compliance with bond ordinances and covenants and provides for maximization of collection of accounts, which are being archived. Revenue collections could improve 2-3% per year. Based on current revenue, that calculates to \$4-6 million per year.

PRIVATE LATERAL INTEGRITY

Department: Watershed Management

Summary – Propose requiring inspection/certification of private lateral integrity prior to sale of real estate.

Requested Change – This legislation would direct responsibility for maintaining the private laterals onto the homeowners, in the same way they are held responsible for preventing termite damage currently.

Expenses/Fiscal Estimate – Will significantly reduce costs to both homeowners and COA due to water leakage.

TRANSMITTAL FORM FOR LEGISLATION

TO:

MAYOR'S OFFICE

G. PRIDGEMAN
(For review & Distribution to Execution Management)

Commissioner's Signature: [Signature]

Director's Signature: _____

From: Origination Dept. IGA

Contact (name): Robert Ashe

Committee(s) Purview: Finance/Exec

Committee Deadline: _____

Committee Meeting Date(s): 10/15/03

City Council Meeting Date: 10/20/03

CAPTION:

A RESOLUTION URGING THE 2004 GEORGIA GENERAL
ASSEMBLY TO SUPPORT THE CITY OF ATLANTA'S
2004 LEGISLATIVE PACKAGE.

BACKGROUND/PURPOSE/DISCUSSION:

2004 Legislative Package.

FINANCIAL IMPACT (If Any): N/A

Mayor's Staff Only

Received by Mayor's Office:

10.6.03 [Initials]
(date) (initials)

Reviewed by: [Signature]

Submit to Council: _____

(date)

Action by Committee: Approved Adverse Held Amended

Substitute Referred Other